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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/757,116	01/14/2004	Karoleen B. Alexander	42635-0200	2947		
21611	7590 03/08/2005		EXAM	EXAMINER		
SNELL & WILMER LLP			PARSLEY	PARSLEY, DAVID J		
1920 MAIN S SUITE 1200	STREET		ART UNIT	PAPER NUMBER		
IRVINE, CA 92614-7230			3643			
			DATE MAILED: 03/08/200	5		

Please find below and/or attached an Office communication concerning this application or proceeding.

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1/		Application	n No.	Applicant(s)				
		10/757,11	10/757,116 ALEXANDER, KAROLEE		ROLEEN B.			
\	Office Action Summary	Examiner		Art Unit				
		David J Pa		3643				
Period fo	The MAILING DATE of this communic or Reply	cation appears on the	cover sheet with the c	orrespondence ad	dress			
A SH THE - Exter after - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD FO MAILING DATE OF THIS COMMUNIO nsions of time may be available under the provisions of SIX (6) MONTHS from the mailing date of this commusive period for reply specified above is less than thirty (30) period for reply is specified above, the maximum state to reply within the set or extended period for reply reply received by the Office later than three months afted patent term adjustment. See 37 CFR 1.704(b).	CATION. of 37 CFR 1.136(a). In no ever unication. of days, a reply within the statu tutory period will apply and wi will, by statute, cause the appl	ent, however, may a reply be tin story minimum of thirty (30) day Il expire SIX (6) MONTHS from ication to become ABANDONE	nely filed s will be considered timely the mailing date of this co D (35 U.S.C. § 133).				
Status								
1)🛛	Responsive to communication(s) filed	d on <i>14 Januarv 200</i> 4	4.					
,								
3)								
·	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposit	ion of Claims							
4)⊠	Claim(s) 1-40 is/are pending in the ap	pplication.						
•	4a) Of the above claim(s) is/are withdrawn from consideration.							
	Claim(s) is/are allowed.							
•	Claim(s) is/are rejected.							
7)								
•	☑ Claim(s) <u>1-40</u> are subject to restriction and/or election requirement.							
Applicat	ion Papers				,,,,,,,			
9)	The specification is objected to by the	Examiner.						
• —	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
,	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority (under 35 U.S.C. § 119							
-	Acknowledgment is made of a claim f	for foreign priority up	der 35 U.S.C. § 119/a)-(d) or (f)				
,	☐ All b)☐ Some * c)☐ None of:	or foreign prionty and	aci 00 0.0.0. 3 110(a) (d) 01 (1).				
۵,	1. Certified copies of the priority of	documents have bee	n received		•			
	2. Certified copies of the priority of			ion No.				
	3. Copies of the certified copies of				Stage			
	application from the Internation	•						
* 5	See the attached detailed Office action	·		ed.				
	-							
A44 - 1-	.4(4)							
Attachmen	ot(s) ce of References Cited (PTO-892)		4) Interview Summary	(PTO-413)				
	ce of Draftsperson's Patent Drawing Review (P	TO-948)	Paper No(s)/Mail D					
3) Infor	mation Disclosure Statement(s) (PTO-1449 or ler No(s)/Mail Date		5) Notice of Informal F 6) Other:	Patent Application (PTC	D-152)			

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-21, drawn to a tree well skirt or sidewalk, classified in class 47, subclass32.
 - II. Claims 22-30, drawn to a method of making a tree well skirt, classified in class47, subclass 32.3.
 - III. Claims 31-40, drawn to a method of making a sidewalk, classified in class 52 subclass 745.06.
- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another materially different process such as casting, molding or extrusion.

Inventions I and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the

Art Unit: 3643

product as claimed can be made by another and materially different process such as casting, molding or extrusion.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group III, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on 9hr compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Parsley Patent Examiner Art Unit 3643

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